

and against the charter granted to Lord Baltimore. And from that time to the present, those unfortunate beings have been giving their service, their time, their lives and their issue, to those who claimed to own them without one particle of law in its justification.

But gentlemen tell us that because slaves have been recognized as property from that time to this, we now, by the emancipation ordinance which we have passed, are taking away from them this slave property, and they ought to have some compensation for it. Now, did or did not this constitutional provision in regard to compensating a man for property taken from him, exist in 1840? If it did exist then, I want to ask gentlemen who are so acute in finding the law, how it was that a slave who was not free in 1840 by a manumission deed of his master, a deed good and valid under the law, and was then kept in slavery from 1840 to 1846, the courts of Maryland, when he petitioned for his freedom, declared him entitled to it; but when he sued for the wages that had accrued between the time he was set free and the time he sued for his freedom, the same court said he was not entitled to a dollar. Was that, or not, depriving a man of his property without just compensation? If he was free in 1840, and worked from 1840 to 1846, was he not entitled to his wages? And if his master and the court of Maryland said he was not entitled to wages, was not that taking from him his property without just compensation, although the court decided that he was free in 1840, and of course the master had no right to his services after that time?

And the only difference between that poor negro man and the white man of to-day is, that we have declared negroes free; we have put them back in the same position they occupied prior to the passage of the act of 1715. We have not taken away from the slaveholder any property to which he was rightfully entitled. We have only decided that the act of assembly, which gave you the right to hold back the wages of these poor negroes, shall no longer exist; but that the negro shall be entitled to his own wages in his own right, and nobody else. Now, what is the meaning of emancipation? Is it the taking a slave from one man and giving him to another? That would be taking private property for public use. But it is no such thing. It is merely declaring that negroes are free; that they are entitled to wages for the labor of their own hands, the sweat of their own brow. That is not taking property for the public use.

I refer gentlemen to this case, and ask them to read it. It will be found in 8 Gill's Reports, page 322. This is the syllabus of the case:

"A negro slave was manumitted, by deed, on the 1st of January, 1840, but was held in

servitude, by his master, until the 12th of May, 1846. HELD, that he could not maintain an action against his master, to recover the value of his services for the time he was so held in service."

Mr. JONES, of Somerset. On what ground was that decision based?

Mr. THOMAS. I have not read it.

Mr. JONES, of Somerset. On the ground that there was no contract, express or implied.

Mr. THOMAS. The case says he was set free in 1840, under a manumission deed. The executor held him from 1840 to 1846 as a slave. And in 1846 it was discovered that the manumission deed had been hid away so as to deprive the man of his rights. When the deed was found, a petition for freedom was filed, and the court decided that he was free, and had been free from 1840. Then he sued for his wages, and the court told him he was not entitled to one dollar of wages for the services he had rendered through those six years.

Now, what is the difference between that case and the one before this convention? I say that you are not entitled to anything in the future for these men. You have held them in slavery since 1715; and you may have held them before that act. And in that connection, since this law, which I have referred to for the purpose of showing its falsehood, is quoted to show that slaves were held from the first settlement of the country—in this connection I will read from page 572 of Bozman's History of Maryland, in which the learned commentator goes on to give some notes in relation to this matter of slavery. He says:

"It may be further remarked, that if the 'conditions of plantation,' which are supposed to have been issued prior to the embarkation of the first colonists in 1633, were the same, at least as to this particular, as those subsequently issued in 1636, (which will appear in the proceedings of the next year.) The owner of 'Francisco' was entitled to one hundred acres of land for 'his transportation into the province,' under the denomination of a 'servant.' This instance, and more particularly that of 'negro Phillis,' seem to prove that negroes were then considered more as legitimate population than property."

And, gentlemen, by looking back to the history of Maryland and referring to this matter will find that Lord Baltimore held out inducements to emigrants coming from England to bring over servants with them. And it was after they brought these negro servants over with them they were reduced to a state of slavery. And they will find by reference to a case in 4 Harris & McHenry's Reports, page 501, that the Court of Appeals make this announcement:

"Wherever a person has been taken from